

FILED

May 08 2018

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *sl/joanag* DEPUTY

1 Darren Chaker
2 1140 Wall Street #77
3 La Jolla, Ca 92038
4 DarrenChaker@Gmail.com
213/915-6804

5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**

7 DARREN CHAKER,

8 Plaintiff,

9 vs.

10 LEESA FAZAL, et. al.

11 Defendants.

Case No.: 16CV1872-cab (BLM)

**APPLICATION TO FILE MOTION AND
FILE APPLICATION TO SEAL UNDER
SEAL**

[L.R. 79.2]

12
13 COMES NOW DARREN CHAKER, Petitioner, and files this Application to file
14 the Application and Supplemental Emergency Motion to Seal Records under seal.

15 The Supreme Court has reaffirmed strong privacy interests in dissemination of
16 personal, confidential information. *See Whalen v. Roe*, 429 U.S. 589, 599 (1977); *Nixon*
17 *v. Administrator of General Services*, 433 U.S. 425, 457-59 (1977).

18 The motion being presented to the court references extensive records which
19 contain medical psychiatric diagnosis, orthopedic diagnosis, the fact he is prescribed
20 psychiatric medication, and references to being responsible for assembling records
21 concerning HSI Special Agent Alex Levitin to the USAO and FBI. This application to
22 seal is requested to be sealed due to the fact it discloses the above confidential
23 information in support of filing the attached motion under seal.

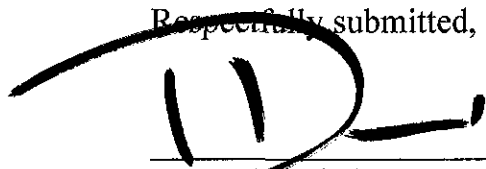
24 Additionally, Hon. Jill L. Burkhardt recognized serious safety concerns expressed
25 in a different motion to seal when granting the motion. (Ex. 1) Defendant has also been
26 forced to obtain a sealed name change and entered into the Safe at Home Program created
27
28

1 to keep residential address and other personal information confidential¹. (Ex. 2 – non-
2 public record). In a Texas child custody matter the court found good cause existed based
3 upon threats and security concerns to plaintiff and ordered the record sealed. The court
4 also ordered the records to not be disclosed. (Ex. 3 – sealed court order)

5 Given the nature of the information and records sought to be sealed, Plaintiff
6 requests the Supplemental Emergency Exparte Motion to Seal and instant Application are
7 filed under seal as to not disclose the nature of the records sought to be sealed, and what
8 records this court may decide to seal.

9 DATED: 4/30/18

Respectfully submitted,

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12 Darren D. Chaker
13 Plaintiff
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25 _____
26 ¹ “The Legislature finds that persons attempting to escape from actual or threatened domestic
27 violence, sexual assault, stalking, or human trafficking, frequently establish new names or
28 addresses in order to prevent their assailants or probable assailants from finding them.” (Gov.
Code, § 6205 (Deering, Lexis Advance through Chapter 6 of the 2018 Regular Session).)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARREN D. CHAKER,

Defendant.

Case No. 13mj3222-JLB

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
SEAL**

[ECF No. 14]

On October 30, 2014, Defendant Darren D. Chaker sent to the Court, but did not file, the instant Motion to Seal Partial Record. By direction of the Court, that motion was filed, under seal, on December 30, 2014. (ECF No. 14.) By this motion, Defendant moves the Court to seal (1) a letter, entitled Confidential Request to Seal Records, which was previously submitted by the Defendant but rejected for filing by the Court on November 20, 2013 (ECF No. 10); (2) the docket entry for ECF No. 6; and (3) the recording of Defendant's bond hearing on September 5, 2013 (ECF No. 6).

Ex 1

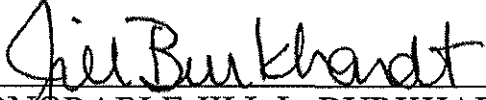
1 As to the Confidential Request to Seal Records (ECF No. 10), this document was
2 not accepted for filing, and instead was rejected due to discrepancies. Because this
3 Confidential Request is not a part of the case file, having been rejected for filing, there is
4 no reason why the document should be accessible to the public, especially in light of the
5 privacy concerns expressed by Defendant. Defendant's motion to seal the Confidential
6 Request to Seal Documents, currently visible as Page 2 of ECF No. 10, is **GRANTED**.¹

7 As to Defendant's motion to seal the docket entry at ECF No. 6, that request is
8 **DENIED IN PART** and **GRANTED IN PART**. Defendant's "legal name" as set forth in
9 the docket entry is ordered redacted/stricken. The remainder of the docket entry text will
10 remain in place.

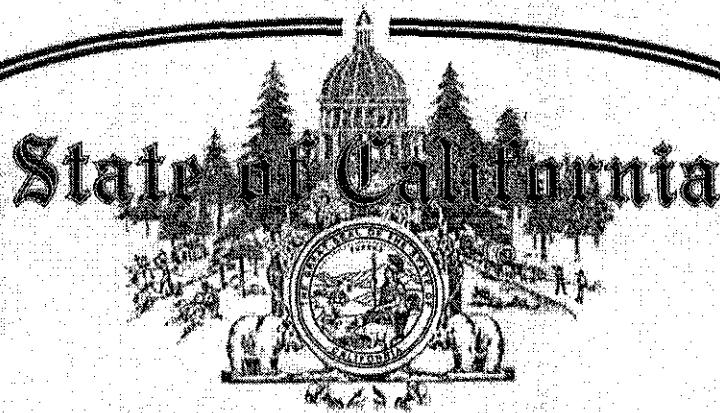
11 As to Defendant's motion to seal the recording of Defendant's bond hearing, this
12 motion was previously denied by Judge McCurine. (ECF No. 12.) Because Defendant
13 has not presented the Court with any new or additional material information since this
14 motion was denied by Judge McCurine, the motion is **DENIED**.

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16 IT IS SO ORDERED.

17 DATED: December 30, 2014

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19 HONORABLE JILL L. BURKHARDT
20 UNITED STATES MAGISTRATE JUDGE
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¹ Page 1 of ECF No. 10 is the Discrepancy Order, and is to remain unsealed.



SECRETARY OF STATE

Darren Chaker DelNero

Congratulations! You are officially enrolled as a member of the *Safe at Home* Confidential Address Program. By using your new substitute PO Box mailing address when creating government and public documents, your home, workplace or school location will remain confidential and free from public access.

I am pleased to administer this long overdue service to help protect survivors of domestic violence, stalking and sexual assault and that you chose to use *Safe at Home* as an addition to your overall health and safety plan.

Therefore, I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify that on the 6 day of **January, 2009**, **Darren Chaker DelNero**, is an active participant of the Safe at Home program established by Statutes of 1998, Chapter 1005 (SB 489) and 2000, Chapter 562 (SB 1318).



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this January 6, 2009.

Debra Bowen
Secretary of State

Ex 2

Case No. 2009-70010

DARREN CHAKER,
Petitioner

vs.

NICOLE MATEO,
Respondent.

IN THE 247th JUDICIAL DISTRICT,
HARRIS COUNTY, TEXAS

FILED
Chris Daniel
District Clerk
NEC 02 2011
10:00 AM
Harris County
District Clerk

ORDER SEALING COURT RECORDS

The Honorable Bonnie Hellums, Presiding District Court Judge.

Pending before the Court is Darren Chaker's Motion to Seal Record ("Motion"). The Court called the Motion for hearing on November 11, 2011. Petitioner Darren Chaker appeared through counsel, Yaron Lutfak. Respondent Nicole Mateo did not appear or file a response to the Motion.

After considering the pleadings and affidavit of the Petitioner, the evidence and arguments of counsel, the Court finds that the Motion has merit and that the disclosure of records, discovery and related information will result in irreparable injury to Petitioner. The court also finds specific, serious and substantial interests clearly outweigh the presumption of openness provided by Texas Rule of Civil Procedure 76a(1) and any probable adverse effect that sealing will have upon public's health or safety.

IT IS, THEREFORE, ORDERED that the Motion is GRANTED.

IT IS ORDERED that the following court records are sealed:

All records bearing Cause Number 2009-70010 and styled "Chaker v. Mateo" are sealed in physical and electronic form, except those documents that are required by law to be recorded in the minutes of the Court. The records shall not be opened or released except on appropriate court order unless used in connection with the instant case.

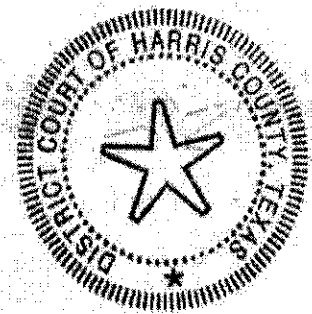
IT IS FURTHER ORDERED that Petitioner, Darren Chaker, and Respondent, Nicole Mateo, shall not release, distribute, or provide any sealed record, including any

Ex 3

1 discovery, to a third party unless to the his or her attorney, the Texas Attorney General or
2 other entity to enforce any order of the Court or in connection with any future or pending
3 litigation between the parties.

4 SIGNED this day ____ of November, 2011
5 DEC 02 2011


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Hon. Bonnie C. Hellums



**STATE OF TEXAS
COUNTY OF HARRIS**

I, Chris Daniel, District Clerk of Harris County, Texas, certify that
this is a true and correct copy of the original record filed and/or recorded
in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this

**CHRIS DANIEL, DISTRICT CLERK
HARRIS COUNTY, TEXAS**

IAN 11 2012

Chris Daniel

Deputy